

## LEGISLATIVE MINUTES

### MARLBORO TOWNSHIP COUNCIL MEETING

June 28, 2007

The Marlboro Township Council held its re-scheduled regular meeting on June 28, 2007 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council Vice President Rosenthal opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the re-scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on April 27, 2007; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilwoman Morelli, Councilman Pernice, Council Vice President Rosenthal, Councilwoman Tragni and Council President Cantor (10:55pm).

Also present were: Mayor Robert Kleinberg, Andrew Bayer, Esq., Business Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

Councilman Pernice moved that the minutes of May 3 & 17, 2007, be approved. This motion was seconded by Councilwoman Morelli and the minutes were passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

Council Vice President Rosenthal opened the Public Hearing on Item #9 (Budget Amendments). As there was no one who wished to speak, the Public Hearing was closed.

Council Vice President Rosenthal opened the Public Hearing on Resolution # 2007-206 (Adoption of 2007 Municipal Budget). After the public hearing was held and closed, and discussion was held, the following Resolution # 2007-206 (Adoption of 2007 Municipal Budget) was read into the record by Township Business Administrator Judith Tiernan, offered by Councilman Pernice, seconded by Councilwoman Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2007-206

SECTION 2 - UPON ADOPTION FOR YEAR 2007

BE IT RESOLVED by the Mayor and Council of the Township of Marlboro, County of Monmouth that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$17,002,083.94 for municipal purposes, and \$625,456.67 Open Space, Recreation, Farmland and historic Preservation Trust Fund Levy.\*

\* Copies of attached material to be found in regular minute book in Clerk's office.

Council took a 5-minute recess.

Council Vice President Rosenthal opened the Public Hearing on Ordinance # 2007-13 (Amend Daily Parking Fee). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution Res. # 2007-208/Ord. # 2007-13 (Amend Daily Parking Fee) was introduced by reference, offered by Councilwoman Tragni, and seconded by Councilman Pernice and was then passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-208

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2007-13

AN ORDINANCE AMENDING SECTION 103-9, ARTICLE IA "DAILY  
PARKING SECTION OF UNION HILL LOT" OF THE CODE OF THE  
TOWNSHIP OF MARLBORO

which was introduced on June 14, 2007, public hearing  
held June 28, 2007, be adopted on second and final  
reading this 28th day of June, 2007.

BE IT FURTHER RESOLVED that notice of the adoption of  
this ordinance shall be advertised according to law.

The following Res. # 2007-209/Ord. # 2007-15 (Amend Chapter  
147 - Wreckers Ordinance) was introduced by reference, offered  
by Councilwoman Morelli and seconded by Council President  
Cantor. Discussion followed, during which Township Attorney  
Andrew Bayer answered all Council's questions. The  
resolution/ordinance was then passed on a roll call vote of  
5 - 0 in favor.

RESOLUTION # 2007-209

BE IT RESOLVED by the Township Council of the Township  
of Marlboro that an Ordinance entitled:

ORDINANCE # 2007-15

AN ORDINANCE AMENDING CHAPTER 147, "WRECKERS" OF THE  
CODE OF THE TOWNSHIP OF MARLBORO

be introduced and passed on first reading and that the same  
be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for  
final passage on July 12, 2007 at 8:00 p.m. at the Marlboro  
Municipal Complex, 1979 Township Drive, Marlboro, New Jersey,  
at which time all persons interested will be given an  
opportunity to be heard concerning said ordinance.

ORDINANCE # 2007-15

AN ORDINANCE AMENDING CHAPTER 147, "WRECKERS" OF THE CODE  
OF THE TOWNSHIP OF MARLBORO

WHEREAS, Chapter 147 of the Code of the Township of Marlboro ("Township") sets forth the requirements regarding the licensure and use of wreckers in the Township; and

WHEREAS, the Traffic and Safety Bureau of the Division of Police in the Township have found that it is necessary to make certain changes to the requirements for licensure and use of wreckers in the Township; and

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Chapter 147 "Wreckers" be and hereby is amended to read as follows:

§ 147-2. License required.

B. The Township of Marlboro is comprised of 32 square miles. There shall be a total of nine (9) licenses issued by the Business Administrator or her designee. There will be no limit on how many towing equipment vehicles may be licensed per business license.

§ 147-10. License fee.

The fee for the issuance of a wrecker's license shall be the sum of \$30.00 for the business and \$20.00 for each item of towing equipment (i.e., flatbeds, wheel lifts and conventional wreckers).

§ 147-12. Safety requirements.

C. Contain no rotating lights or sirens except by permission granted by the Chief of Police.

§ 147-14. Maximum rates.

C. Cleanup of accident scene: \$25.00 per hour. First 15 minutes is included in the tow and after the first 15 minutes of clean-up the fee will be \$25.00 per hour plus \$15.00 per bag of speedy dry if the full bag is utilized.

§ 147-16. Customer receipt and price quotation.

A. The operator of a wrecker shall advise the customer of the charges for services to be rendered in advance of his rendition and give the customer a receipt for the fee paid.

B. A quarterly report will be provided to the Township of Marlboro reflecting all monies collected for all towing and storage charges along with any other additional fees charged. This report will be sent to the Marlboro Township/ Traffic Safety Bureau.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect on upon passage and publication in accordance with applicable law.

The following Res. # 2007-210/Ord. # 2007-16 (MCIA) was introduced by reference, offered by Councilwoman Morelli and seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-210

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2007-16

ORDINANCE AUTHORIZING THE GUARANTY BY THE TOWNSHIP OF MARLBORO, NEW JERSEY OF PAYMENT OF PRINCIPAL AND INTEREST ON THE CAPITAL EQUIPMENT LEASE REVENUE BONDS, SERIES 2007 (MARLBORO PROJECT), OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on July 12, 2007 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2007-16

ORDINANCE AUTHORIZING THE GUARANTY BY THE TOWNSHIP OF MARLBORO,  
NEW JERSEY OF PAYMENT OF PRINCIPAL AND INTEREST ON THE CAPITAL  
EQUIPMENT LEASE REVENUE BONDS, SERIES 2007 (MARLBORO PROJECT),  
OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF MARLBORO, NEW JERSEY (not less than two-thirds  
of all members thereof affirmatively concurring) AS  
FOLLOWS:

Section 1. Pursuant to Section 80 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44 et seq., the Township of Marlboro, New Jersey (the "Municipality") is hereby authorized to unconditionally and irrevocably guaranty the punctual payment of the principal of and the interest on the Capital Equipment Lease Revenue Bonds, Series 2007 (Marlboro Project) (the "Bonds") of The Monmouth County Improvement Authority (the "Authority") Outstanding (as that term is defined in the following described resolution) under the resolution of the Authority entitled, "Capital Equipment Lease Revenue Bond Resolution (Marlboro Project)" (the "Bond Resolution") to be adopted in a form approved by counsel to the Municipality. The Authority plans to issue the Bonds to finance the acquisition and subsequent leasing of certain capital equipment to the Municipality pursuant to a lease and agreement to be entered into by the Authority and the Municipality (the "Lease"). Such guaranty shall be given in accordance with the guaranty agreement (the "Guaranty Agreement") between the Municipality and the Authority in substantially the form submitted to this Board, a copy of which is on file in the office of the Clerk of the Municipality, with such changes as may be approved by counsel to the Municipality. The Mayor is hereby authorized to execute the Guaranty Agreement on behalf of the Municipality in substantially such form as submitted hereto and with such changes as may be approved by the Mayor, and the Clerk of the Municipality is hereby authorized to attest such signature affixing the seal of the Municipality. All representatives, officials and employees of the Municipality are hereby authorized to enforce and to implement the Guaranty Agreement.

Section 2. The following additional matters are hereby determined, declared, recited and stated:

(1) The maximum principal amount of the Bonds of the Authority hereby and hereunder to be guaranteed as to payment of principal and interest shall not exceed the sum of the amount necessary to acquire the Municipality's equipment which will be subject to the Lease and to pay the Municipality's share of the costs of issuance, but in no event shall such principal amount exceed \$575,000.

(2) The Bonds shall mature within eleven years of the date of issue.

(3) The Bonds shall remain Outstanding to their respective stated maturity dates and the guaranty authorized herein shall remain effective until all Bonds shall have been paid in full in accordance with their terms notwithstanding the occurrence of any other event.

(4) The guaranty authorized herein may be made and this ordinance may be adopted notwithstanding any statutory debt or other limitations, including particularly any limitation or requirement under or pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., but the principal amount of any Outstanding Bonds shall be included after their issuance in the gross debt of the Municipality for the purpose of determining the indebtedness of the Municipality under or pursuant to the Local Bond Law. The principal amount of the Bonds included in the gross debt of the Municipality shall be deducted from the gross debt of the Municipality under and for all the purposes of the Local Bond Law (a) from and after the time of issuance of the Bonds until the end of the fiscal year beginning next after the acquisition of the equipment to be financed from the proceeds of the Bonds and (b) in any Annual Debt Statement filed pursuant to the Local Bond Law as of the end of such fiscal year or any subsequent fiscal year if the revenues or other receipts or moneys of the Authority in such year are sufficient to pay its expenses of operation and maintenance in such year and all amounts payable in such year on account of the principal of and the interest on all such Bonds, all bonds of the Municipality issued as provided under N.J.S.A. 40:37A-79 and all bonds of the Authority issued under the County Improvement Authorities Law.

Section 3. Upon payment of the principal of and the interest due on the Bonds by the Authority or the defeasance of the Bonds pursuant to the Bond Resolution, the guaranty authorized herein will cease to exist and the

gross debt of the Municipality shall be reduced to the extent that such Bonds cease to be Outstanding under the Bond Resolution.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption in accordance with the County Improvement Authorities Law and the Local Bond Law.

The following Res. # 2007-211/Ord. # 2007-17 (Amend Bulk Drop-off Fees) was introduced by reference, offered by Councilman Pernice and seconded by Council President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-211

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2007-17

AN ORDINANCE AMENDING CHAPTER 62, "FEES" AND CHAPTER 72, "SOLID WASTE SERVICES" OF THE CODE OF THE TOWNSHIP OF MARLBORO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on July 12, 2007 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2007-17

AN ORDINANCE AMENDING CHAPTER 62, "FEES" AND CHAPTER 72, "SOLID WASTE SERVICES" OF THE CODE OF THE TOWNSHIP OF MARLBORO

WHEREAS, Chapter 62 of the Code of the Township of Marlboro ("Township") sets forth the fees for various services within the Township currently including the fees for the bulk drop-off center; and

WHEREAS, the Township Council has determined that it is necessary to make certain changes to the requirements for bulk fees in the Township Code and to remove the bulk fees from Chapter 62, "Fees", and place them in Chapter 72, "Solid Waste Services"; and

WHEREAS, the Township Council has determined that it is in the best interest of the Township and its residents to eliminate the current annual bulk drop-off usage fee and to institute a resident punch card for use of the Township Recycling Center.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Chapter 62 "Fees" be and hereby is amended to eliminate the below fees:

§ 62-4. Fees.

Annual usage fee for bulk drop-off center  
\$75.00

Fee (in addition to annual usage fee)  
\$25.00 per item  
for disposal at bulk drop-off center of air-conditioning unit or refrigerator containing freon

Discounted senior (60 years of age and older)  
\$40.00  
fee for bulk drop-off center

BE IT FURTHER ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Chapter 72 "Solid Waste Services" be and hereby is amended to read as follows and shall be included as the last section of Chapter 72 "Solid Waste Services":

§            Recycling Center.

A punch card will be issued by the Township to a Township resident for the use of the Township Recycling Center.

- (A) The fee for a punch card is \$50.00. Senior citizens (age 60 and over) may purchase a punch card at a discounted fee of \$40.00.
- (B) Only residents of Marlboro Township may purchase and use a punch card and proof of residency is required for the purchase and use of a punch card.
- (C) Each punch card shall contain five (5) punches and each time a resident utilizes the Township Recycling Center the card will be punched.
- (D) Punch cards shall not have an expiration date.
- (E) Punch cards are not transferable.

The fee for disposal at the Township Recycling Center of an air-conditioning unit or refrigerator containing Freon shall be \$25.00 in addition to utilization of one punch on a punch card.

BE IT FURTHER ORDAINED, that any Township residents who, as of the effective date of this Ordinance, has paid the annual bulk drop-off usage fee to utilize the Township Recycling Center shall be entitled to continue to utilize the Township Recycling Center until January 1, 2008, without purchasing a punch card. As of January 2, 2008, any Township resident desiring to utilize the Township Recycling Center must purchase a punch card for the use of the Township Recycling Center.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect on upon passage and publication in accordance with applicable law.

The following Res. # 2007-212 (Authorizing Professional Services Contract - Birdsall Eng. - 1) Hospital Property - 2) Landscaping - Union Hill, 3) 2007 Roadway Improvement Plan, 4) Structural Analysis - Library Roof and 5) Preliminary Assessment & Site Inspection, Report for B. 120, L. 36) was introduced by reference, offered by Councilwoman Tragni and seconded by Councilwoman Morelli. After discussion, the resolution was then passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-212

A RESOLUTION AUTHORIZING THE EXECUTION OF  
PROFESSIONAL SERVICES CONTRACTS BETWEEN  
BIRDSALL ENGINEERING, INC. AND THE TOWNSHIP OF  
MARLBORO FOR VARIOUS ENGINEERING SERVICES

WHEREAS, the Township of Marlboro is in need of professional engineering services for certain projects; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Birdsall Engineering, Inc. has submitted the following proposals (the "Proposals") to the Township of Marlboro to provide the aforementioned professional engineering services:

- 1) Engineering Services under the title of "Redevelopment Project Manager" for the Marlboro Psychiatric Hospital property for an amount not to exceed \$25,000.00;
- 2) Landscape Design Services for the Union Hill Commuter Lot for an amount not to exceed \$1,900.00;
- 3) Design and Contract Documents and Construction Administration in connection with the 2007 Road Program for an amount not to exceed \$122,000.00;

- 4) Structural Analysis of the Marlboro Library Roof for an amount not to exceed \$3,700.00;
- 5) Engineering Services in connection with preparation of the Preliminary Assessment & Site Inspection Report for Block 120, Lot 36 for an amount not to exceed \$3,500.00;

WHEREAS, the Chief Financial Officer has certified in writing that certain of these proposals will exceed \$17,500; and

WHEREAS, Birdsall Engineering, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Birdsall Engineering, Inc. has not made any reportable contributions to a political or candidate committee in the Township of Marlboro in the previous one year, and that the contract will prohibit Birdsall Engineering, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Birdsall Engineering, Inc. to provide the required professional services in accordance with the Proposals; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute contracts, in a form legally acceptable to the Township Attorney, between Birdsall Engineering, Inc. and the Township of Marlboro to provide the required professional services in accordance with the Proposal; and

BE IT FURTHER RESOLVED, that the Certified Financial Officer has executed a Certification of Funds for the contracts, which is attached hereto, and that sufficient funds are available for said contracts from the following account numbers:

- 1) Redevelopment Project Manager - X-04-55-954-901
- 2) Union Hill Commuter Lot - X-04-55-960-938
- 3) 2007 Road Program - X-04-55-962-933 (\$48,800)  
X-04-55-962-903 (\$73,200)
- 4) Marlboro Library - X-04-55-960-954
- 5) PASI Report-Block 120, Lot 36 - T-15-56-859-815

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Birdsall Engineering, Inc., Eatontown, NJ
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

Motion to move Resolution # 2007-224 (Award of Contract - Integrated Permitting Software) from the consent agenda was made by Councilman Pernice. This was seconded by Councilwoman Morelli and passed on a roll call vote of 5 - 0 in favor. The following Res. # 2007-224 (Award of Contract - Integrated Permitting Software) was introduced by reference, offered by Councilman Pernice and seconded by Councilwoman Morelli. After discussion, the resolution was then passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-224

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR  
THE PROVISION OF INTEGRATED PERMITTING SOFTWARE TO  
THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro ("Township") has authorized the acceptance of bids for the provision of Integrated Permitting Software for the Township; and

WHEREAS, the Township received one (1) bid from the following vendor in the following amount:

A.    Spatial Data Logic  
      270 Davidson Avenue  
      Somerset, NJ   08873  
      \$73,500.00

WHEREAS, the Administration and the Township Attorney have reviewed the bid and recommend that the contract be awarded to Spatial Data Logic, as the lowest qualified bidder; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township to award said contract to the lowest qualified bidder, Spatial Data Logic, for the provision of Integrated Permitting Software for the Township.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract for the provision of Integrated Permitting Software for the Township be and hereby is awarded to Spatial Data Logic, and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township and Spatial Data Logic for provision of Integrated Permitting Software for the Township in an amount not to exceed \$73,500.00, and in accordance with the bid proposal submitted by Spatial Data Logic; and

BE IT FURTHER RESOLVED, that the Township reserves the right to refuse, in whole or in part, those installation services set forth in Spatial Data Logic's bid proposal for an amount of \$4,000.00.

BE IT FURTHER RESOLVED, that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Numbers T-23-56-850-857 (\$12,500), Y-01-55-012-902 (\$24,600) and Y-05-55-012-952 (\$34,400); and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be provided to each of the following:

- a. Spatial Data Logic
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP.

The following Res. # 2007-213 (Cash Bond Release Concord manor - Monument Installation) was introduced by reference, offered by Councilman Pernice and seconded by Councilwoman Morelli. After discussion, the resolution was then passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-213

A RESOLUTION AUTHORIZING THE RELEASE OF THE CASH BOND GUARANTEEING THE INSTALLATION OF CONCRETE MONUMENTS AT THE CONCORD MANOR SUBDIVISION, GREENWOOD/TICETOWN ROADS, BLOCK 101, LOTS 17.01 TO 17.29 AND BLOCK 101.01, LOTS 1-8

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request from K. Hovnanian Companies, LLC on behalf of Concord Manor, for release of the Cash Bond being held by the Township with respect to the installation of concrete monuments at the Concord Manor subdivision, Greenwood/Ticetown Roads; Block 101, Lots 17.01 to 17.29 and Block 101.01, Lots 1-8 (the "Project"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a memorandum from the Project Manager dated May 14, 2007 (the "Project Manager's Memorandum"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Project Manager's Memorandum indicates that his office does not take exception to the release of the Performance Guarantees posted for the Project; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Cash Bond in the amount of \$5,226.00 posted for the Project be and hereby is released in its entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Cash Bond shall be conditioned upon payment of all outstanding invoices and fees up to the date of release; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Concord Manor
- b. K. Hovnanian Companies, LLC
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath LLP

The following Res. # 2007-214 (Cash Bond Release Woodcliff Manor - Access Gate Installation) was introduced by reference, offered by Councilwoman Morelli and seconded by Councilman Pernice. After discussion, the resolution was then passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-214

A RESOLUTION AUTHORIZING THE RELEASE OF THE CASH BOND  
GUARANTEEING THE INSTALLATION OF AN ACCESS GATE AT  
WEDGEWOOD/NOLAN ROADS; BLOCK 143.05, LOT 72

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request from K. Hovnanian Companies, LLC on behalf of Woodcliff at Marlboro, for release of the Cash Bond being held by the Township with respect to the installation of an access gate at Wedgewood/Nolan Roads; Block 143.05, Lot 72 (the "Project"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a memorandum from the Project Manager dated May 14, 2007 (the "Project Manager's Memorandum"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Project Manager's Memorandum indicates that his office does not take exception to the release of the Performance Guarantees posted for the Project; and

WHEREAS, the Mayor and the Township Council have also received a report dated May 29, 2007 from the Township Engineer, a copy of which is attached hereto and made a part

hereof, which recommends that the Cash Bond be released in its entirety; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Cash Bond in the amount of \$1,000.00 posted for the Project be and hereby is released in its entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Cash Bond shall be conditioned upon payment of all outstanding invoices and fees up to the date of release; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Woodcliff at Marlboro
- b. K. Hovnanian Companies, LLC
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath LLP

Resolution #2007-215 (Bond Reduction Triangle Business Park) was offered by Council President Cantor and seconded by Councilwoman Morelli. Discussion followed, during which Administration informed Councilmembers of various issues that had occurred that day. After discussion, motion to table Res. # 2007-215 (Bond Reduction Triangle Business Park) was introduced by reference, offered by Councilwoman Morelli and seconded by Council President Cantor and passed on a roll call vote of 5 - 0 in favor of tabling.

The following Res. # 2007-216 (Recycling Tonnage Grant) was introduced by reference, offered by Council President Cantor and seconded by Councilwoman Morelli and passed on a roll call vote of 5 - 0 in favor.

#### RESOLUTION # 2007-216

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in

order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Marlboro Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that Marlboro Township hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and Energy and designates the Recycling Coordinator to ensure that the said Application is properly filed.

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

The following Res. # 2007-217 (Award of Bid - Road Materials 2007 Road Program) was introduced by reference, offered by

Councilman Pernice, seconded by Council President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-217

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE  
PROVISION OF VARIOUS ROAD MATERIALS FOR THE  
TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS  
ANNUAL PAVEMENT MANAGEMENT PLAN

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the provision of various road

materials for the Township of Marlboro Department of Public Works Annual Pavement Management Plan; and

WHEREAS, the Township received one (1) bid for various materials from the following vendor:

Trap Rock Industries, Inc.	
P.O. Box 419	
Kingston, NJ 08528	
HMA Surface Course Mix I-5	\$43.25 per ton
HMA Surface Course Mix I-4	\$43.25 per ton
HMA Base Course Mix I-2	\$41.25 per ton
Tack Coat	No Bid
No. 4 Clean Stone	\$16.30 per ton
¾ Inch Broken Stone	\$16.00 per ton
Dense Graded Aggregate	\$13.50 per ton;

and

WHEREAS, the Administration, the Director of Public Works, and the Township Attorney have reviewed said bid and recommend that the contract be awarded to Trap Rock Industries, Inc. as the lowest qualified bidder; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award said contract to the lowest qualified bidder, Trap Rock Industries, Inc., for provision of various road materials for the Township of Marlboro Department of Public Works Annual Pavement Management Plan.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract for provision of various road materials for the Township of Marlboro Department of Public Works Annual

Pavement Management Plan be and hereby is awarded to Trap Rock Industries, Inc., and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Trap Rock Industries, Inc. for provision of various road materials for the Township of Marlboro Department of Public Works Annual Pavement Management Plan in an amount not to exceed \$43.25 per ton for HMA Surface Course Mix I-5; \$43.25 per ton for HMA Surface Course Mix I-4; \$41.25 per ton for HMA Base Course Mix I-2; \$16.30 per ton for No. 4 Clean Stone; \$16.00 per ton for ¾ Inch Broken Stone; and \$13.50 per ton for Dense Graded Aggregate, and in accordance with the bid proposal submitted by Trap Rock Industries, Inc.; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number X-04-55-962-933; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be provided to each of the following:

- a. Trap Rock Industries, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP.

The following Res. # 2007-218 (Award of Bid - Equipment Rental Road Program) was introduced by reference, offered by Councilwoman Morelli, seconded by Council President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-218

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO LUCAS CONSTRUCTION GROUP, INC. FOR THE PROVISION OF RENTAL EQUIPMENT AND OPERATOR SERVICE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS' ANNUAL PAVEMENT MANAGEMENT PLAN

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the provision of rental equipment and operator service for the Township of Marlboro Department of Public Works' Annual Pavement Management Plan; and

WHEREAS, five (5) bids were received by the following vendors in the following amounts:

1. A. Montone Construction, Inc. of P.O. Box 760, Holmdel, NJ 07733 for the following amounts:

	<u>Daily Rental Rate</u>	<u>Weekly Rental Rate</u>
Milling Machine	\$3,950.00	\$19,750.00
Paver	\$2,100.00	\$10,500.00
Tandem Dump Trucks	\$500.00	\$2,500.00
Triaxle Dump Truck	\$640.00	\$3,200.00
Vibratory Roller	\$450.00	\$2,250.00
Milling Machine (Mobilization)	\$500.00	
Paver (Mobilization)	\$500.00; and	

2. Lucas Construction Group, Inc. of 1696 Englishtown Road, Old Bridge, NJ 08857 for the following amounts:

	<u>Daily Rental Rate</u>	<u>Weekly Rental Rate</u>
Milling Machine	\$4,000.00	\$20,000.00
Paver	\$450.00	\$2,250.00
Tandem Dump Trucks	\$750.00	\$3,750.00
Triaxle Dump Truck	\$800.00	\$4,000.00
Vibratory Roller	\$205.00	\$1,025.00
Milling Machine (Mobilization)	\$500.00	
Paver (Mobilization)	\$500.00; and	

3. J. Manzo, Inc. of 55-C Route 34, Matawan, New Jersey 07747 for the following amounts:

	<u>Daily Rental Rate</u>	<u>Weekly Rental Rate</u>
Milling Machine	\$4,250.00	\$20,000.00
Paver	\$2,800.00	\$13,500.00
Tandem Dump Trucks	\$650.00	\$3,200.00
Triaxle Dump Truck	\$740.00	\$3,700.00
Vibratory Roller	\$500.00	\$2,500.00

Milling Machine	
(Mobilization)	\$900.00
Paver	
(Mobilization)	\$800.00; and

4. Lucas Brothers, Inc. of 80 Amboy Road, Morganville, New Jersey 07751 for the following amounts:

	<u>Daily Rental Rate</u>	<u>Weekly Rental Rate</u>
Milling Machine	\$4,700.00	\$23,500.00
Paver	\$3,200.00	\$16,000.00
Tandem Dump Trucks	\$750.00	\$3,750.00
Triaxle Dump Truck	\$750.00	\$3,750.00
Vibratory Roller	\$950.00	\$4,750.00

Milling Machine	
(Mobilization)	\$1,200.00
Paver	
(Mobilization)	\$1,200.00; and

5. Fiore Paving Co, Inc. of 4 Fiore Court, Oceanport, NJ 07757 for the following amounts:

	<u>Daily Rental Rate</u>	<u>Weekly Rental Rate</u>
Milling Machine	\$5,400.00	\$26,000.00
Paver	\$4,000.00	\$20,000.00
Tandem Dump Trucks	\$1,150.00	\$5,500.00
Triaxle Dump Truck	\$1,200.00	\$5,750.00
Vibratory Roller	\$1,500.00	\$7,500.00

Milling Machine	
(Mobilization)	\$500.00
Paver	
(Mobilization)	\$500.00.

WHEREAS, the Township Attorney has recommended that the bid of A. Montone Construction, Inc. be rejected as legally noncompliant; and

WHEREAS, the Administration and the Director of Public Works have reviewed the responsive bids received and recommend that the contract be awarded to Lucas Construction Group, Inc. as the lowest qualified bidder; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award the

contract to the lowest qualified bidder, Lucas Construction Group, Inc., for the provision of rental equipment and operator service for the Township of Marlboro Department of Public Works' Annual Pavement Management Plan.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the bid of A. Montone Construction, Inc. is rejected as legally noncompliant; and

BE IT FURTHER RESOLVED, that the contract for the provision of rental equipment and operator service for the Township of Marlboro Department of Public Works' Annual Pavement Management Plan be and hereby is awarded to Lucas Construction Group, Inc. and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Lucas Construction Group, Inc. for the provision of rental equipment and operator service in accordance with the bid proposal submitted by Lucas Brothers, Inc., in an amount not to exceed \$143,460.00 and in accordance with the bid proposal submitted by Lucas Construction Group, Inc., which is on file with the Township; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number: X-04-55-962-933; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Lucas Construction Group, Inc.
- b. Director of Public Works
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP.

The following Res. # 2007-219 (Authorizing Agreement JCP&L Street Light Contribution Program) was introduced by reference, offered by Council President Cantor and seconded by Councilwoman Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-219

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRIBUTION  
STREET LIGHT AGREEMENT BETWEEN THE TOWNSHIP  
OF MARLBORO AND JERSEY CENTRAL POWER AND LIGHT

WHEREAS, N.J.S.A. 40:67-14 permits the governing body of a municipality to contract with any person for the lighting of the streets, highways, parks and public places for any term not exceeding five years; and

WHEREAS, the Township of Marlboro contracts with Jersey Central Power & Lighting for the provision of lighting in the Township; and

WHEREAS, the Township Council approved \$274,894.00 for Jersey Central Power & Light's ("JCP&L") Street Light Contribution Program; and

WHEREAS, the Director of Public Works has recommended that the Township Council authorize the execution of a Contribution Streetlight Agreement for the conversion from Company to Contribution Fixture for 644 street lights; and

WHEREAS, the charge for the Contribution Fixture will be \$405.45 per light for a total of \$261,109.80; and

WHEREAS, the conversion from Company to Contribution Fixture will result in a savings to the Township of approximately \$30,000 annually; and

WHEREAS, the Township Council has determined that it is in the best interests of the Township to convert from Company to Contribution Fixture.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, that the Mayor is authorized to execute the attached Contract for the conversion from JCP&L Company to Contribution Fixture for 644 street lights; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has executed a Certification of Funds, which is attached hereto, and that sufficient funds are available for said change order from Account Number X-04-55-962-934; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Jersey Central Power & Light
- b. Director of Public Works
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP.

The following Res. # 2007-220 (Authorizing JCP&L Installation of Parking Lot Lights at Marlboro Library) was introduced by reference, offered by Councilman Pernice, seconded by Council President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-220

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND JERSEY CENTRAL POWER AND LIGHT FOR THE INSTALLATION OF FOUR (4) PARKING LOT LIGHTS AT THE MARLBORO FREE PUBLIC LIBRARY

WHEREAS, N.J.S.A. 40:67-13 permits the governing body of a municipality to cause the streets, highways, parks and public places of a municipality to be lighted, and to erect and maintain on and in public places, all proper poles, conduits, wires, pipes, fixtures and equipment; and

WHEREAS, the Township of Marlboro (the "Township") contracts with Jersey Central Power & Lighting ("JCP&L") for the provision of lighting in the Township; and

WHEREAS, the Township Council approved \$15,000.00 for JCP&L to install parking lot lights at the Marlboro Free Public Library; and

WHEREAS, the Township has received a proposal in the amount of \$7,353,29, from JCP&L for the installation of four (4) street lights at the Marlboro Township Library parking in the amount of \$7,353,29; and

WHEREAS, the Township Council has determined that it is in the best interests of the Township to install parking lot lights at the Marlboro Free Public Library.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, that the Mayor is authorized to execute the attached Contract

between the Township and JCP&L for the provision of four (4) street lights at the Marlboro Free Public Library parking lot; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has executed a Certification of Funds, which is attached hereto, and that sufficient funds are available for said change order from Account Number X-04-55-962-950; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Jersey Central Power & Light
- b. Director of Public Works
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP.

The following Res. # 2007-221 (Award of Bid - Handicap Ramp & Curb /Gutter Replacement 2007 Road Program) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-221

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT  
FOR THE REMOVAL AND REPLACEMENT OF EXISTING  
DAMAGED CONCRETE CURB AND GUTTER AND HANDICAP  
RAMPS AT VARIOUS LOCATIONS FOR THE TOWNSHIP  
OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the removal and replacement of existing damaged concrete curb and gutter and handicap ramps at various locations for the Township of Marlboro Department of Public Works; and

WHEREAS, the Township received seven (7) bids from the following vendors in the following amounts:

- A. R & B Builders, Inc.  
21 First Street  
South River, NJ 08882  
\$42,510.00; and

- B. Curb Con Inc, Inc.  
514 Route 9  
Barnegat, NJ 08005  
\$55,560.00; and
- C. Earle Asphalt Company  
P.O. Box 556  
Farmingdale, NJ 07727  
\$68,484.00; and
- D. Cretan Concrete Co.  
13 South 7<sup>th</sup> Avenue  
Highland Park, NJ 08904  
\$87,900.00; and
- E. Diamond Construction  
35 Beaverson Boulevard, Suite 9A  
Brick, NJ 08723  
\$97,290.00; and
- F. Al Neto Contractors, Inc.  
1004 Severin Drive  
Bridgewater, NJ 08867  
\$103,920.00; and
- G. Lucas Construction Group, Inc.  
1696 Englishtown Road  
Old Bridge, NJ 08857  
\$128,400.00; and

WHEREAS, the Administration, the Director of Public Works, and the Township Attorney have reviewed the bids and recommend that the contract be awarded to R & B Builders, Inc. as the lowest qualified bidder; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award said contract to the lowest qualified bidder, R & B Builders, Inc., for the removal and replacement of existing damaged concrete curb and gutter and handicap ramps at various locations for the Township of Marlboro Department of Public Works.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract for the removal and replacement of existing damaged concrete curb and gutter and handicap ramps at various locations for the Township of Marlboro Department

of Public Works be and hereby is awarded to R & B Builders, Inc., and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and R & B Builders, Inc. for the removal and replacement of existing damaged concrete curb and gutter and handicap ramps at various locations for the Township of Marlboro Department of Public Works in an amount not to exceed \$42,510.00, and in accordance with the bid proposal submitted by R & B Builders, Inc.; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number X-04-55-960-960; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be provided to each of the following:

- a. R & B Builders, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP.

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilwoman Morelli, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor: Res. #2007-222 (Purchase on State Contract - Catch Basin Casting Bridgestate Foundry - \$20,966), Res. #2007-223 (Purchase on State Contract - Catch Basin Castings Campbell Fondry - \$3,910), Res. #2007-225 (Redemption Tax Sale Certs. - Various), Res. #2007-226 (Refunds for Overpayments - Various), Res. #2007-227 (Refund for Tax Court Judgment B. 269, L. 4.01), Res. #2007-228 (Refunds to WMUA - Various), Res. #2007-229 (Refunds to MTMUA - Various), Res. #2007-230 (Veteran Deductions - Various), Res. #2007-231 (Raffle License Mustang Parents Football Club) and Res. #2007-232 - Raffle License Community YMCA).

RESOLUTION # 2007-222

RESOLUTION AUTHORIZING THE PURCHASE OF  
CATCH BASIN CASTINGS FOR THE MARLBORO TOWNSHIP  
DEPARTMENT OF PUBLIC WORKS (DPW)  
STATE CONTRACT #A62819

WHEREAS, the Marlboro Township Department of Public Works has recommended that the Township purchase catch basin castings from Bridgestate Foundry Corporation, 175 Jackson Road, Berlin, NJ 08009 under State Contract #A62819 not to exceed \$20,966.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide said equipment to the Township of Marlboro; and

WHEREAS, funds are available in Capital Account Numbers X-04-55-960-960 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase catch basin castings from Bridgestate Foundry Corporation, 175 Jackson Road, Berlin, NJ 08009 under State Contract #A62819 not to exceed \$20,966.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Bridgestate Foundry Corporation, Berlin, NJ
- b. Township Administrator
- c. Township Department of Public Works
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION # 2007-223

RESOLUTION AUTHORIZING THE PURCHASE OF  
MANHOLE CASTINGS FOR THE MARLBORO  
TOWNSHIP DEPARTMENT OF PUBLIC WORKS (DPW)  
STATE CONTRACT #A62818

WHEREAS, the Marlboro Township Department of Public Works has recommended that the Township purchase manhole castings from Campbell Foundry, 800 Bergen Street, Harrison, NJ 07029 under State Contract #A62818 not to exceed \$3,910.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide said equipment to the Township of Marlboro; and

WHEREAS, funds are available in Capital Account Numbers X-04-55-960-960 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase manhole castings from Campbell Foundry, 800 Bergen Street, Harrison, NJ 07029 under State Contract #A62818 not to exceed \$3,910.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Campbell Foundry, Harrison, NJ
- b. Township Administrator
- c. Township Department of Public Works
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION # 2007-225

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$75,518.55 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$75,518.55 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
07-21	299/3 & 362 Rte 9	US Bank-Cust/SASS Muni V c/o US Bank Corp. Trust Svcs 2 Liberty Pl, 50 S. 16th St. Philadelphia, PA 19102	\$67,979.19
07-25	371/289 9 Lakeview Drive	Elliot Loeb-Keogh Plan 1 Lakeview Road Saratoga Springs, NY 12866	5,794.46
07-34	288/29 C0236 236 Ravenswood Rd.	Fidelity Tax, LLC P.O. Box 5707 Fort Lauderdale, FL 33310	679.89
07-39	396/1 C0035 35 Orange Drive	Culmac Investors, Inc. Box 251 Monmouth Beach, NJ 07750	359.15
07-40	396/1 C0206 206 Pear Drive	CCTS Tax Liens I, LLC 141 Shreve Avenue Barrington, NJ 08007	705.86
TOTAL:			<u>\$75,518.55</u>

RESOLUTION # 2007-226

WHEREAS, the attached list in the amount of \$3,829.66 known as Schedule "A", is comprised of amounts representing overpayments for 2007 taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amounts as per the attached Schedule "A",

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
176	7 C0506	Countrywide Tax Service	\$ 977.07
506	Tivoli Court	Attn: Tax Dept. 1757 Tapo Canyon Road, SVW24 Simi Valley, CA 93063 Re: Patricia Parlow (Current Assessed Owner)	
193.16	3	Syed Zaheer & Zakia Ahmed	518.34
131	Scarborough Way	131 Scarborough Way Marlboro, NJ 07746	
412.01	75	Amy & Ralph Cohen	2,334.25
12	Elisa Drive	12 Elisa Drive Marlboro, NJ 07746	
TOTAL:			<u>\$ 3,829.66</u>

RESOLUTION # 2007-227

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$78,059.04 for the year 2006 for Block 269 Lot 4.01, located at 280 Route 9, assessed to Union Hill Nine Associates, LLC,

WHEREAS, the 2006 taxes have been paid in full, and the Tax Court has stipulated that this judgment be applied to all future taxes, the Tax Collector is directed to apply the amount of \$78,059.04 to the unpaid balance for the year 2007,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply the amount of \$78,059.04 to 2007 taxes.

RESOLUTION # 2007-228

WHEREAS, current sewer charges totaling \$2,055.80 have been paid by the lienholder of the Tax Sale certificates as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$2,055.80 be refunded to the Western Monmouth Utilities Authority.

SCHEDULE "A"

<u>CERT#</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
TSC#07-14 421 Route 79	151/3	Fidelity Tax, LLC	\$175.79
TSC#07-26 9 Lansdale Drive	386/51	American Tax Funding	221.05
TSC#07-27 19 Woodpecker Way	412.07/35	CCTS Tax Lien I	148.92
TSC#07-30 42 Nikki Court	180/31	Plymouth Park Svcs	148.92
TSC#07-31 5 Churchill Court	184/46	CCTS Tax Lien I	185.81
TSC#07-32 75 Rockwell Circle	202/4	Elliot Loeb - Keogh Plan	221.05
TSC#07-33 3 Bruce Road	262/14	Crusader Lien Services	221.05
TSC#07-34 236 Ravenswood Rd.	288/29 C0236	Fidelity Tax, LLC	177.42
TSC#07-37 6 Dickson Road	352/9	Crusader Lien Services	221.05
TSC#07-38 7 Clymer Court	360.02/18.11	Plymouth Park Svcs	148.92
TSC#07-41 39 Kingfisher Court	412/240	Crusader Lien Services	185.82
TOTAL:			<u>\$2,055.80</u>

RESOLUTION # 2007-229

WHEREAS, current water charges totaling \$53.54 have been paid by the lienholder of the Tax Sale certificates as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$53.54 be refunded to the Marlboro Township Municipal Utilities Authority.

SCHEDULE "A"

<u>CERT#</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
TSC#07-14 421 Route 79	151/3	Fidelity Tax, LLC	\$ 26.00
TSC#07-43 189 Route 520	184/1	Stuart Lasher	27.44
TOTAL:			<u>\$53.54</u>

RESOLUTION # 2007-230

WHEREAS, Veteran deductions totaling \$500.00 have been granted as per the attached Schedule "A" for the year 2007,

WHEREAS, taxes for the year 2007 have unpaid balances as per the attached Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply these deductions to the respective taxpayers as per Schedule "A".

		<u>SCHEDULE "A"</u>	
<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNERS</u>	<u>AMOUNT</u>
126	14	Frank & Lucy DiGennaro	\$250.00
19 Baldwin Avenue		19 Baldwin Avenue Morganville, NJ 07751	
134	9	Euzebio & Nancy Gaspar	250.00
29 Roosevelt Avenue		29 Roosevelt Avenue Morganville, NJ 07751	
TOTAL:			<u>\$500.00</u>

RESOLUTION # 2007-231

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 07-07 (On Premise 50/50) be and it is hereby granted to Mustang Parents Football Club Corp., 95 N. Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on the following dates and times:

September 20, 2007	3:30 - 5:30 PM
September 29, 2007	1:00 - 3:00 PM
October 20, 2007	1:00 - 3:00 PM
October 27, 2007	1:00 - 3:00 PM
November 3, 2007	1:00 - 3:00 PM

at Marlboro High School, 95 North Main Street, Marlboro N.J. 07746.

RESOLUTION # 2007-232

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 08-07 (On Premise Merchandise) be and it is hereby granted to The Community YMCA, 113 Tindall Road, Middletown, N.J. 07748.

BE IT FURTHER RESOLVED that said Raffle will be held on August 6, 2007 from 10AM - 6 PM at Bella Vista Country Club, 100 School Road East, Marlboro, N. J. 07746.

The following Res. # 2007-233 (Appointing Catherine Zulferino WMUA Commissioner - to fill unexpired term of Ralph Zulferino) was introduced by reference, offered by Councilwoman Morelli and seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor with Council President Cantor abstaining.

RESOLUTION # 2007-233

RESOLUTION APPOINTING CATHERINE ZULFERINO  
AS A MEMBER OF THE WESTERN MONMOUTH UTILITIES AUTHORITY TO  
FILL THE UNEXPIRED TERM OF HER LATE HUSBAND, RALPH ZULFERINO

WHEREAS, Sections 36-5 through 36-13 of the "Code of the Township of Marlboro" establish the Western Monmouth Utilities Authority, which was created pursuant to N.J.S.A. 40:14B-1, et seq.; and

WHEREAS, N.J.S.A. 40:14B-5 provides that the members of joint authorities composed of two or more municipalities shall be appointed by the governing bodies of the participating municipalities; and

WHEREAS, Section 36-7 of the Township Code further provides for the appointment of members of the Western Monmouth Utilities Authority from Marlboro Township by a majority vote of the Township Council of the Township of Marlboro; and

WHEREAS, by Resolution #2005-5, the Township Council appointed Ralph Zulferino to serve as one of Marlboro Township's members of the Western Monmouth Utilities Authority for a term of five (5) years commencing on February 1, 2005; and

WHEREAS, due to the unfortunate death of Mr. Zulferino, that position is now vacant; and

WHEREAS, the Township Council desires to appoint Catherine Zulferino, the wife of Mr. Zulferino, to serve the remainder of her late husband's term.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That Catherine Zulferino is hereby appointed to serve as a member of the Western Monmouth Utilities Authority for the remainder of the five (5) year term of Ralph Zulferino which commenced on February 1, 2005; and
2. That the Township Council recognizes and commends Ralph Zulferino's dedication to the Township and the Western Monmouth Utilities Authority.
3. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Catherine Zulferino
  - b. W.M.U.A

Res. #2007-234 (Closed Session) was removed from the agenda.

At 11:35 PM, Council President Cantor moved that the meeting be adjourned. This was seconded by Councilwoman Morelli, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: July 12, 2007

OFFERED BY: Morelli

AYES: 4

SECONDED BY: Pernice

NAYS: 0

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ALIDA DE GAETA  
MUNICIPAL CLERK

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STEVE ROSENTHAL  
COUNCIL VICE PRESIDENT